

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

NOV - 9 2005

CLERK, U.S. DISTRICT COURT

By

Deputy

ROY EUGENE BUTLER, PRO SE,
TDCJ-CID # 487803,

Plaintiff,

v.

KEITH PRICE, Warden,
SHEILA WHATLEY, Law Library Supervisor,
and
NANCY JOWERS, Mail Room Supervisor,

Defendants.

2:03-CV-0180

ORDER OF DISMISSAL

Plaintiff ROY EUGENE BUTLER, acting *pro se* and while a prisoner incarcerated in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, Section 1983 complaining against the above-referenced defendants. Plaintiff paid the filing fee and is not proceeding *in forma pauperis*.

On October 18, 2005, a Report and Recommendation was issued by the United States Magistrate Judge analyzing plaintiff's claims pursuant to Title 42, United States Code, section 1997e(c)(1) and recommending dismissal with prejudice as frivolous and for failure to state a claim on which relief can be granted.

The period for response has expired; and no objections have been filed by plaintiff.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that this Civil Rights Complaint is DISMISSED WITH PREJUDICE AS FRIVOLOUS AND FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.


LET JUDGMENT BE ENTERED ACCORDINGLY.

All pending motions are DENIED.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record by first class mail. The Clerk shall also mail a copy to TDCJ-Office of the General Counsel, P.O. Box 13084, Capitol Station, Austin, TX 78711 and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

IT IS SO ORDERED.

ENTERED this 9th day of November, 2005.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE